

BY-LAWS
Of the
ARKANSAS INTERAGENCY COORDINATING COUNCIL
For
EARLY INTERVENTION SERVICES

Proposed Effective Date July 2005

ARTICLE I: NAME

The body referred to in this document shall be known as the “Arkansas Interagency Coordinating Council” herein referred to as “ICC”.

ARTICLE II: AUTHORIZATION

Section 1

The formation of the ICC is authorized under Public Law 108-446, the Education of the Handicapped Act amendments of 1986, and subsequently amended as P. L. 105-17, known as Part C of The Individuals with Disabilities Education Act (IDEA and reauthorized as Public Law 108-446, Individuals with Disabilities Improvement Act of 2004.

Section 2

State authorization of the ICC is under Act 658 of 1987 as amended by Acts 1017 of 1991 and 937 of 1993. The members of the ICC are appointed by the Governor and shall be responsible to the Governor.

ARTICLE III FUNCTIONS OF COUNCIL

Section 1

Advise and assist the lead agency designated or established under section 635-(a) (10) in the performance of the responsibilities set forth in such section, particularly the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements; Advise and assist the lead agency in the performance of the responsibilities set out in Public Law 108-446, Act 105-17, and in the preparation of the budget, particularly the identification of the sources of fiscal and other support for services for early intervention programs, assignment of fiscal responsibility to the appropriate agency, and the promotion of the interagency agreements.

Section 2

Advise and assist the lead agency in the preparation of applications and amendments thereto.

Section 3

Advise and assist the State Educational Agency regarding the transition of toddlers with disabilities to preschool and other appropriate services; and Advise and assist the State Educational Agency regarding the transition of toddlers with disabilities to services provided under Part B of IDEA

Section 4

Prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State.

Section 5

Prepare and submit an annual report to the Arkansas Legislative Council summarizing the council's activities as specified in Section 1 A of Act 181 of 1997.

ARTICLE IV: DESIGNATED LEAD AGENCY

The designated Lead Agency is the Arkansas Department of Human Services.

ARTICLE V: MEMBERSHIP

Section 1

The ICC shall be composed of at least fifteen (15) and not more than 25 members and be reasonably representative of the population of the state. Membership shall include:

- 1) Parents.-Not less than 20 percent of the members shall be parents of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities, Not less than 1 such member shall be a parent of an infant or toddler with a disability or a child with a disability 6 or younger. At least 20 percent parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged twelve (12) or younger, with knowledge of, or experience with programs for infants and toddlers with disabilities. At least two (2) member will be the parent of an infant or toddler with a disability aged six (6) or younger

- 2) **SERVICE PROVIDERS.**- Not less than 20 percent of the members shall be public or private providers of early intervention services. At least 20 percent public or private providers of early intervention services;
- 3) **STATE LEGISLATURE.**- Not less than 1 member shall be from the State legislature .At least one (1) representative from the State Legislature / General Assembly;
- 4) **PERSONNEL PREPARATION.**- Not less than 1 member shall be involved in personnel preparation. At least one (1) person involved in personnel preparation;
- 5) **AGENCY FOR EARLY INTERVENTION SERVICES.**- Not less than 1 member shall be from each of the State agencies involved in the provision of, or payment for , early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies. The Directors of the Departments of Health, Human Services, and Education. Proxy delegation of responsibility by the directors may be made if the proxy delegated has sufficient authority to engage in policy planning and implementation on behalf of the delegating director.
- 6) **AGENCY OF HEALTH INSUANCE.** - Not less than 1 member shall be from the agency responsible for the State regulation of health insurance. At least one member must be from the State Governance of Insurance;
- 7) **OTHER MEMEBERS.** - The council may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs (BIA), or where there is no BIA-operated or BIA-funded school, from the Indian Health Services or the tribe or tribal council. Other members representing each of the appropriate agencies involved in the provision of or payment for early intervention services to infants and toddlers with disabilities and their families, who have sufficient authority to engage in policy planning and implementation on behalf of that agency;
- 8) **OFFICE OF THE COORDINATION OF EDUCATION OF HOMELESS CHILDREN AND YOUTH.** - Not less than 1 member shall be a representative designated by the Office of Coordinator for Education of Homeless Children and Youths. At least one member must be from the State Department of Education responsible for pre-school services for children with disabilities;
- 9) **AGENCY FOR PRESCHOOL SERVICES.** - not less than 1 member shall be from the State educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy and planning and implementation on behalf of such agency.
- 10) **STATE MEDICIAD AGENCY.** - Not less than 1 member shall be from the agency responsible for the State Medicaid program.
- 11) **HEAD START.** - Not less than 1 member shall be a representative from a State agency responsible for child care.

12 STATE FOSTER CARE REPRESENTATIVE. - Not less than 1 member shall be a representative from the State child welfare agency responsible for foster care.

13 MENTAL HEALTH AGENCY. - Not less than 1 member shall be a representative from the State agency responsible for children's mental health.

ARTICLE VI: APPOINTMENTS

Section 1

All appointments to the ICC shall be made by the Governor of the State of Arkansas in accordance with Part C of IDEA and Acts 1017 of 1991 and 937 of 1993. Appointments shall reasonably represent the population of the State of Arkansas.

Section 2

The term of appointment shall be at the will of the Governor.

ARTICLE VII: OFFICERS AND DUTIES OF OFFICERS

Section 1

The ICC shall have co-chairpersons who shall include a parent and a professional from the ICC membership. The co-chairpersons shall serve at the will of the Governor. Any member of the council, who is a representative of the Lead Agency, may not serve as a co-chairperson.

Section 2

The co-chairpersons shall be the principal officers of the ICC. The duties of the co-chairpersons shall include the following:

- to call and preside over council meetings;
- to appoint the chairpersons and membership of all committees and task forces (with the Exception of the Executive Committee);
- to make recommendations to staff;
- to submit such reports as are necessary to appropriate state or federal agencies;
- to serve as the official spokesperson for the ICC;
- to insure that the functions of the ICC, as described in Part C of IDEA and Acts 1017 of 1991 and 937 of 1993, are fulfilled;

- to sign all documents on behalf of the ICC; and
- to represent other duties as may be assigned by the ICC

Section 3

If neither of the co-chairpersons is present to preside at a Council meeting, they shall designate another member of the Council to facilitate the meeting.

ARTICLE VIII: MEETINGS AND ATTENDANCE

Section 1

There shall be at least Quarterly meetings.

Section 2

Special meetings may be called as necessary, by the ICC co-chairperson (s).

Section 3

One half of the membership (50%) shall constitute a quorum.

Section 4

If an appointed member of the ICC is unable to attend the regular ICC meeting, the appointed member must arrange to be represented by a proxy. Prior to the first vote cast by the proxy holder, a written authorization of proxy must be provided. The member must choose as a proxy, an individual, who is representative, of the member's function on the Council.

Section 5

All meetings of the ICC shall be open to the public in accordance with State law.

Section 6

Robert's Rules of Order shall govern the conduct of business in all cases in which they are applicable and not in conflict with the By-Laws.

Section 7

A vacancy occurs on the happening of any of the following events:

- The death of the member;

- The resignation of the member;
- The member's removal from the position of which representation is required on the ICC;
- The member's ceasing to be an inhabitant of the state;
- The member's being convicted of a felony or an act of impropriety;
- The member's absence from three regular scheduled consecutive meetings of the ICC without sending a proxy.

Such vacancies as outlined above shall be reported to the Governor by the co-chairpersons, within thirty (30) working days.

ARTICLE IX: CONFLICT OF INTEREST

No member shall cast a vote on any matter, which would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State Law.

To avoid a potential conflict of interest, it is recommended that parent representatives on the Council not be employees of any agency involved in providing early intervention services.
[Authority: 20 U.S.C. 1482 (a)].

ARTICLE X: REIMBURSEMENT

Section 1

Each regular ICC member is eligible for reimbursement of allowable expenses. Child care may be considered an allowable expense for members who are parent representatives. ICC members representing other agencies are asked to provide in-kind travel reimbursement to promote interagency participation.

Section 2

Travel and meals and lodging (if over night is required) are allowed while on travel status, including travel to and from regular ICC meetings, official committee meetings, and other business as direct by the ICC as a whole of its agent. Rates for reimbursement shall be set according to the State travel regulations. (In-kind travel reimbursement from any participating agency is allowed and encouraged.

Section 3

Except as specified above council members shall serve without compensation from Part C funds.

ARTICLE XI: OPERATING YEAR

The operating year of the Council shall be from July 01 through June 30.

ARTICLE XII: COMMITTEE STRUCTURE

Section 1

The ICC shall have one standing committee to be called the Executive Committee. The Executive Committee shall consist of the co-chairpersons and one members of the ICC to serve for a term of one year. Nominations may be made from the floor, provided consent has been obtained from the person previously. Should vacancies occur during an un-filled vacancy or un-expired term of any Executive Committee member, the ICC members will elect a replacement for the remainder of the un-filled vacancy or un-expired term. The Executive committee acts on behalf of the ICC between regular meetings, such as actions to be reported at the next meeting.

Section 2

Other committees shall be established by a majority vote of the Council.

ARTICLE XIII: FUNDING CONTROLS

All expenditures of funds related to ICC action shall be in compliance with Public law 108-446 and Act 1017 of 1991 as amended.

ARTICLE XIV: AMENDMENT OF BY-LAWS

These By-Laws may be altered, amended or repealed and new By-Laws be adopted by the ICC at any regular meeting or special meeting by a vote of a quorum of the membership present.